



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during June 2008
(& Supplement for May 2008)
DISTRIBUTED: July 14, 2008

This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or Peter.J.Carney@Maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose civil penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Asbestos:

Richard Potvin, Auburn, Maine. Richard Potvin ("Potvin") violated provisions of Maine's *Asbestos* laws and the Department's *Asbestos Management Regulations* while conducting an asbestos abatement activity involving the removal of approximately 200 square feet of asbestos containing insulation at a location on Minot Avenue in Auburn, Maine. Potvin failed to notify the Department in writing of an intention to engage in an asbestos abatement activity, failed to use licensed or certified asbestos professionals, failed to comply with pre-abatement requirements prior to engaging in an asbestos abatement activity, and failed to comply with applicable work practice requirements. Following Department involvement, Potvin retained the services of a licensed asbestos abatement contractor to conduct clean-up activities and properly dispose of asbestos removed from the site. A visual evaluation and air clearance sampling were also performed. To resolve the violations, Potvin will pay \$4,500.00 as a civil monetary penalty.

Multi-Program:

Domtar Maine Corporation, Baileyville, Maine. Domtar Maine Corporation ("Domtar") violated provisions of its Department-issued air emission license by exceeding emission limits for particulate matter, sulfur dioxide, and opacity, exceeding license time limits for total reduced sulfur venting, and failing to operate control equipment at all required times. In addition, Domtar violated provisions of Maine's *Water Pollution Control* laws and the facility's waste discharge license issued thereunder by allowing unpermitted wastewater discharges and provisions of Maine's *Water Pollution Control* laws and *Oil Discharge Prevention and Pollution Control* laws by allowing oil and diesel fuel to discharge to the St. Croix River. To resolve the violations, Domtar paid \$23,925 as a civil monetary penalty.

District Court Enforcement Resolutions (party followed by location):

Asbestos:

State of Maine, Department of Environmental Protection v. Graydon Mahoney, Caribou, Maine. In a Consent Judgment and Order entered into by the parties, Graydon Mahoney ("Mahoney") admitted to violating provisions of Maine's *Asbestos* laws and *Asbestos Management Regulations*, as asserted in the Department's complaint, while conducting an asbestos abatement activity involving the removal of asbestos siding at a location on Page Avenue in Caribou, Maine. The Department's complaint asserted that Mahoney failed to notify the Department prior to conducting an asbestos abatement activity, failed to use licensed or certified asbestos professionals, failed to have a licensed asbestos abatement design consultant develop a project design consistent with Department rules, and failed to comply with applicable work practice requirements. Following Department involvement, Mahoney retained the services of a licensed asbestos abatement contractor to remove and handle the remaining asbestos siding. To resolve the violations, Mahoney paid \$5,000 as a civil monetary penalty and agreed to an additional penalty of \$5,000 which



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is suspended provided Mahoney does not commit any further violations of Maine's asbestos laws or regulations within five years of the date of the judgment.

Superior Court Enforcement Resolutions (party followed by location) (resolved during May 2008):

Electronic Waste:

State of Maine and Maine Department of Environmental Protection v. Hatzlachh Supply, Inc. In a Default Judgment entered by the court following a motion for default judgment filed by the State, the Court deemed Hatzlachh Supply, Inc. ("Hatzlachh") to have committed violations of Maine's *Electronic Waste* law as alleged in the Department's complaint. The Judgment requires Hatzlachh to file a plan for the collection, recycling, or reuse of Broksonic brand televisions generated as waste by Maine households as required by 38 M.R.S.A. § 1610(6)(A)(4), pay its share of the costs of collection, recycling, or reuse of Broksonic brand televisions generated as waste by Maine households as required by 38 M.R.S.A. § 1610(5)(D), and permanently enjoins Hatzlachh from selling televisions or electronic devices in Maine or to any person or entity residing in Maine, including over the internet, until it complies with the requirements of Maine's *Electronic Waste* law. Hatzlachh was ordered to pay \$112,600 as a civil monetary penalty.